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Policing in the Modern Disciplinary Society: A Conceptual Understanding of Police Power in America

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I. Introduction

“I would like my books to be a kind of tool-box which others can rummage through to find a tool which they can use however they wish in their own area,” Michel Foucault once said, adding that he writes “for users, not readers.”¹⁾ Foucault’s work stemming from his genealogical approach to understanding the history of the methods used to turn human beings into subjects has indeed proven useful as a “tool-box” for scholars to apply to various socio-political inquiries.²⁾ By examining the micropractices employed in prisons and mental asylums, for example, and analyzing how these practices were diffused more broadly into society, his writings have helped reveal the inescapable nature of power relations that permeate throughout all levels of society. These practices have ultimately led to a disciplinary society in which, according to Foucault, power is based on subjection by means of full visibility. “It is the fact of being constantly seen, of being able always to be seen,” Foucault argues, “that maintains the disciplined individual in his subjection.”³⁾

Policing has served as one of the primary mechanisms for enforcement for this kind of disciplinary society that arose in modern western states according to Foucault, and in order to exercise this disciplinary power, the police “had to be given the instrument of permanent, exhaustive, omnipresent surveillance, capable of making all visible, as long as it could itself remain invisible.”⁴⁾ As Foucault puts it: “police’s true object is man.”⁵⁾ To that end, police officers are invested with an exhaustive power of surveillance, and thus in effect, as this paper will argue while focusing on the American context in particular, their function is similar to that of the doctors in the asylum as described in *Madness and Civilization* and the guards in the guard tower described in *Discipline and Punish*. Due in part to modern,

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organized police presence, American society at large has been transformed into a panoptic schema, whereby policing keeps everyone disciplined in his or her own subjection to the legal constructs by means of a panoptic network that coordinates every police officer's surveillance duties to span an entire city, an entire state, and even the entire country.

The exercise of power by institutional forces over police officers, and the subsequent exercise of police power over civilians, and the effects of these occurrences qualify as the sort of capillary expressions of power that Foucault sought to analyze,⁶⁾ and a closer analysis of Foucault's work reveals how police power is both a function of the disciplinary society, and a key instrument for the functioning of the disciplinary society.⁷⁾ As this paper will demonstrate, it is possible to extrapolate three components of disciplinary power that help explain the theoretical nature of police power as it is exercised in the United States: 1.) individualizing civilians; 2.) compulsory visibility and surveillance, and 3.) police officers as experts. These aspects of police power make it possible for "the gaze" to operate in public space by means of the panoptic network created by police surveillance and the power of normalizing judgment, thus enabling police power to generate self-monitoring law-abiding civilians based on the prevailing power-truth dynamics operating in America. However, as will also be shown, the rise of social media and seemingly omnipresent smartphone cameras are creating a situation where the gaze now descends on police officers as well, and may thus be transforming the nature of the police-civilian relationship.

II. Individualizing Civilians⁸⁾

According to Foucault, discipline "individualizes bodies by a location that does not give them a fixed position, but distributes them and circulates them in a network of relations."⁹⁾ Such is the case with the distribution of civilians in metropolitan areas in the United States, where those prone to criminal activity are largely concentrated within specific neighborhoods, isolated from relatively crime-free neighborhoods. It would not be unreasonable to project that a majority of criminals, whose crimes may be attributed to the criminal's economic circumstances, reside in concentrated sectors within a given metropolitan area. One might further expect that crimes against property (primarily theft and burglary) would be targeted against affluent neighborhoods where its residents are wealthy, as the property stolen would generally prove more lucrative to the criminal than property from areas lacking in valuable goods. As such, criminals committing crimes against property, such as theft and burglary, within their own residential areas would appear counter-intuitive. Nonetheless, crimes against property, most notably theft and burglary, are far more

frequent in lower-income neighborhoods. One reason for this trend is that individuals from a lower income region are likely to be quickly noticed by police officers in a wealthier area, and as such, they oftentimes remain within their own neighborhoods.

The civilian who is out of place, as is the case with a lower income civilian in a higher income neighborhood, is individualized the moment the police officer and the civilian notice the presence of the other. Police officers will typically treat civilians who cross into a wealthier part of a city as suspicious subjects, and they may proceed to stop and interrogate such civilians. This process transforms civilians from human beings as the totality of themselves as individuals, into cases marked by their peculiarities in relation to the location in which they find themselves, and it is at that moment that these civilians become suspects, both to the officer and to themselves. "In a disciplinary régime," Foucault suggests that "individualization is descending," and so those on whom power is "exercised tend to be more strongly individualized."¹⁰ When police officers approach a civilian, then that civilian must cooperate with the officers, and in so doing that civilian affirms his or her status as a suspect. The civilian has no other choice, for police officers not only have the force of law on their side, but also the force of physical violence. If a civilian flees from a police officer, that officer has essentially limitless resources to draw upon, including additional police officers, and also has the authority to use physical force, including lethal force.

In essence, police officers, if even but for a few fleeting moments, influence the identity of the civilians with whom they interact by subjecting these people to police authority and effectively forcing them to accept their status in relation to the officer's. This can leave a lasting impression insofar as even after an encounter with police, a civilian knows that he or she is always potentially under observation, and so the police may at any time be individualizing this civilian, unbeknownst to him or her. As such, the civilian may come to internalize the individualization experienced during his or her interactions with police, and so these brief moments of interaction can leave a permanent impression on a civilian's identity when out in public. This kind of power creates a relationship between police and civilians during moments of interaction parallel to that between the patient and doctor as discussed in *Madness and Civilization*.¹¹ The police officer, like the doctor, examines the civilian by means of interrogation or routine questioning. The police officer individualizes the civilian, who is no longer a civilian during the period of interaction with the officer, but is instead transformed into a suspect, witness, or detainee, and the officer judges and classifies the civilian's actions much like the doctor individualizes a person as a patient or case and diagnoses the patient's illness based on an evaluation of his or her symptoms. This process is made possible in

public spaces by means of compulsory visibility for civilians and the police's constant surveillance of public spaces, as discussed in the following section.

III. Compulsory Visibility and Surveillance¹²⁾

The police officer serves as an agent of the disciplinary society by enforcing compulsory visibility of the general population, which according to Foucault, is a central feature of disciplinary power. As Foucault puts it, disciplinary power operates by means of its invisibility, while imposing "compulsory visibility" on those who are the targets of this power.¹³⁾ Foucault further notes that "it is the subjects who have to be seen," and their visibility "assures the hold of the power that is exercised over them."¹⁴⁾ In other words, "it is the fact of being constantly seen, of being able always to be seen, that maintains the disciplined individual in his subjection."¹⁵⁾ This kind of visibility is a central feature of modern policing. Civilians must generally identify themselves to police if requested, often by producing an identification document like a driver's license or a government-issued identification card. A civilian in a vehicle is easily identifiable by the vehicle's license plate. Technological advances have further enhanced the police's ability to make civilians visible at all times, with facial recognition software now making it possible to identify civilians without their knowledge. Moreover, the vast network of government security cameras, along with private security cameras that police can access in the event of a crime, further reinforce the reality that civilians are visible to the police in one way or another virtually anywhere, anytime. Police officers on patrol also use "split-screen, multiphasic" mirrors, which provide nearly 180 degrees of view range in an officer's patrol car rear-view mirror.¹⁶⁾ Perhaps most notably for many civilians whose only encounters with law enforcement involves traffic matters, the use of "radar guns" makes a civilian's precise speed while driving visible to police officers. Police officers even have computers built into patrol cars, which enables them to enter a civilian's name into its database and immediately access a wide range of information about the individual in question, including outstanding warrants and past arrests.

For police officers, on the other hand, they are only visible when they choose to be. They operate both in stealth and in plain sight, which in combination maximizes civilian awareness of being observed by the police. Examples of operating in stealth to apprehend unsuspecting civilians include various undercover operations such as police officers luring drug dealers to sell contraband in their presence, or the use of "bait cars" to lure would-be car thieves to steal motor vehicles in the presence of undercover police officers.¹⁷⁾ At the same time, patrolling in plain view reminds would-be criminals that police officers are present and ready

to enforce the law. When officers do actually stop civilians for whatever reason, ostentatious displays of flashing lights, sirens, and the gathering of multiple police officers generates hyper-visibility of police presence. The knowledge that police officers are always on patrol somewhere, and possibly unbeknownst to would-be lawbreakers in their immediate vicinity, disciplines civilians into their own subjection to the legal system. That is, the mere presence of a police officer eliminates the element of choice for a would-be lawbreaker, and the reality that the police may be watching even if they cannot be seen, and the awareness that a police officer could appear without notice, can coerce civilians to obey the law.

The maximization of sudden and unpredictable police appearances deters criminals from committing crimes, and so the scientific management of patrol patterns has effectively maximized the number of police appearances throughout the streets of a monitored area in a repetitive, yet unpredictable manner.¹⁸⁾ Over the course of the twentieth century crime control grew more concerned with the temporal and spatial elements of crime, with an increasing focus on identifying opportunities for crime, rather than on socio-economic or causal reasons for its occurrence.¹⁹⁾ Thus, police officers have largely focused on attempting to stop and interrogate any “suspicious” individuals before any crime has taken place, with the terms of suspicion dictated by the police officer. Correspondingly, a wave of police reform during the 1960s in the United States led to a shift toward a proactive approach, whereby “scientifically managed patrol patterns and coordinated action” were implemented with the intention of preventing crime, as opposed to merely responding to legal violations after the fact.²⁰⁾ Most notably, this meant restructuring police departments, in terms of both organization and location within the patrol area, to provide the shortest response times for automobile units.

This scientific police framework is clearly similar to the panoptic apparatus discussed in *Discipline and Punish*, where power in the panopticon is found in the “concerted distribution of bodies.”²¹⁾ Panoptic schemas maximize visibility for the authorities while they remain invisible to those they watch, until those authorities choose to make themselves visible when admonishing someone who breaks the rules. The structure Foucault describes is divided into individual cells on the peripheral walls of the enclosure, with a centralized tower to monitor each and every single cell. This results in a structure where there are “spatial unities that make it possible to see constantly and recognize immediately.”²²⁾ The panoptic model, according to Foucault, brings greater intensity and efficiency to the mechanisms of power. Such is the case with the aforementioned policing methods, where the coordination of police patrol patterns leads to synergy in surveillance. That is, the coordinated patrol efforts together lead to a higher scope of surveillance than the sum of each individual officer’s patrolling efforts.²³⁾ Computer software can

even help the police predict where criminal activity is likely to occur from week to week. One can thus see how the panoptic model reverberates in the proactive approach to policing that emphasizes coordinated action and the scientific management of patrol patterns.²⁴⁾

This kind of panoptic arrangement is designed to prevent certain types of actions, but it relies heavily on the self-monitoring that results. One can see a parallel between civilians in public areas and prisoners in Foucault's panopticon, where both come to behave as required since they must assume that they may be under observation at any time. Inmates in the panoptic prison, by virtue of their inability to know whether or not they are being watched, grow to discipline themselves.²⁵⁾ Similarly, civilians grow to discipline themselves as they are aware of police surveillance, but cannot know whether or not an officer is watching. Routine traffic enforcement serves as a good example, for civilians generally restrain their speed while driving due to the knowledge that the police can "catch" them if they go over the speed limit. The civilian rarely notices a police officer until he or she is actually caught. This may lead the cited motorist to realize that he or she is unable to detect police presence, and the other motorists who see another driver getting "pulled over" develop a keen awareness that it could happen to them as well. Motorists thus internalize the effects of this unidirectional exercise of police surveillance, thereby resulting in motorists largely disciplining themselves much as inmates do in the panopticon, which makes it possible for a relatively small number of police officers to oversee a vast traffic network.

It is also necessary to consider the panoptic provisions for the supervision of guards in the guard tower in order to fully explore the likeness of the relationship between the police and civilians and the relationship between prison guards and inmates. "The panopticon may even provide an apparatus for supervising its own mechanisms," Foucault notes, and in the central tower "the director may spy on all the employees that he has under his orders ... an inspector arriving unexpectedly at the center of the Panopticon will be able to judge at a glance."²⁶⁾ This has simply not been the reality on the street for much of America's history, for the gaze has not been nearly as potent when applied to the gazers. While police officers have not been able to obscure themselves entirely from the gaze, the gaze has not descended on officers with the same degree of infiltration as it has for the average civilian since police officers themselves have been primary agents for the gaze.

Thus, while civilians have grown to monitor themselves, police presence has always served as the external element that reinforces this self-monitoring, while police officers have themselves remained largely free from the gaze. This is clearly changing, however, with social media and the very real possibility of civilians capturing incidents on video on their smartphones. The rise of social media now

makes it so that civilians can coordinate in ways that only the police once could, particularly when initiating social demonstrations and protests, and even riots, where civilians can coordinate and centralize in certain locations so as to overwhelm the police's ability to monitor and individualize civilians. Police officers must also now face the reality of constantly being monitored, actively under surveillance by means of possibly being recorded at any time. Their ability to shape the truth of incidents solely based on their accounts of events is therefore no longer guaranteed since anyone at any time may have incontrovertible video evidence of what actually happened in any given police-civilian incident. As such, the ubiquitous nature of smartphones today may be instituting a new gaze, for both civilians and the police alike, thereby displacing the police from the guard tower in this metaphorical street panopticon.

IV. Police Officers as Experts²⁷⁾

As the volume of reported crime increased in the United States throughout the twentieth century, police officers needed to become more autonomous, and needed to exercise more discretion in deciding against whom charges were most warranted, and when it was more appropriate to issue mere warnings. The parameters through which police officers exercise their power have also expanded, for the increase in punishable infractions is partly responsible for the increase in reported crime over the course of the twentieth century. More and more laws have been passed, which has increased the number of possible statutory violations that police officers can uncover. At the same time, with so many possible criminal violations and potentially overwhelming case loads,²⁸⁾ police officers have had to choose, based on the nature of the offense and the offender, which circumstances warrant formal citations or arrest, and which circumstances are best addressed with informal measures like a warning.²⁹⁾ As Peter Scharf and Arnold Binder write, "street police work demands great organizational autonomy for its operatives (from patrol officers to commanders to detectives) ... mostly with little direct supervision."³⁰⁾ This expansion of discretionary decision-making, along with the principle of qualified immunity, has essentially granted police officers the power to make judgments, much in the same way that the doctor judges a patient in the asylum as Foucault describes in *Madness and Civilization*.³¹⁾ The police officer evaluates events and determines whether or not an offense has taken place, and this can be as simple as judging whether or not a motorist has made a complete stop at a posted stop sign or who has committed a random assault in a thick crowd of people. As such, police officers exercise a power that renders their testimony a piece of factual evidence: police officers exercise a power of testimonial truth.

Police officers today are trained extensively and undergo rigorous testing to verify their abilities and their moral qualifications. Just as science has legitimized the medical knowledge of the doctor, as Foucault suggests in *Madness and Civilization*,³²⁾ these processes discipline police trainees and produce police officers as certified experts, which legitimizes police judgment.³³⁾ These scientific training regimens may thus be at least partly responsible for the discourse that reinforces the police's belief in an officer's infallibility of judgment and creates obedience within the ranks. Beyond this, these processes create police officers whose training is seen to render them experts of justice, because the scientific process putatively verifies officers' moral qualifications.³⁴⁾ Coupled with the training that police officers receive, which instructs them in lie detection and proactive crime prevention, an officer's testimony regarding a civilian's alleged criminal or civil violation is able to withstand intense scrutiny by lawyers in the courtroom.³⁵⁾

Since police officers have long carried automatic legitimacy in the courtroom, civilians may be subject to something similar to absolute control in one-on-one situations, for an officer can later give testimony in a manner that suggests his or her actions were lawful. The officers in the famous 1991 Rodney King case claimed that the suspect was resisting arrest in response to a video that surfaced showing them beating King during a traffic stop. Yet, as the tape reveals, it appears that King could not seriously pose a threat to the group of Los Angeles police officers that were clubbing him—and despite the video evidence the officers were absolved of criminal charges.³⁶⁾ Recent events are changing this situation, as discussed in the previous section, but it is clear that historically police testimony has been taken as fact. Quite simply, if a police officer falsely claims that a civilian failed to stop at a red light, whether this claim is maliciously fabricated or reached in error, that civilian cannot possibly hope to challenge the officer's account. Similarly, police officers who are certain of an individual's criminality can fabricate and plant evidence to secure convictions, as is the case with “dropsy” testimony, which is when officers claim that a suspect dropped or threw away incriminating items in the officer's presence.³⁷⁾

Civilians are legally obligated to obey *legitimate* police commands, which strengthens the control that police officers exert over civilians in one-on-one situations, especially since officers can exercise their own discretion in defining what constitutes a legitimate command. This means that when a civilian spots the flashing blue and red lights in his or her rear view mirror, the individual is legally required to pull over and place himself or herself under the authority of what amounts to a complete stranger, differentiated primarily by a badge and a firearm. In most instances, the officer will not injure or harm the civilian involved, but whether or not the officer violates a civilian's rights is largely out of the civilian's control.

Due to the background checks police officers undergo and the training they receive, society entrusts police officers to establish truth regarding events and the people involved. However, many attorneys believe that some police officers get away with perjury since society presumes that police officers operate under higher moral standards than the typical civilian.³⁸⁾ The end product in American police work today, then, is a situation described by Jerome Skolnick as a situation where the police administer “justice without trial.”³⁹⁾

Police regulation has instead relied heavily on internal monitoring, which has obviously been problematic. “One major factor that perpetuates police misconduct is the set of unwritten rules that is tacitly supported by many police officers,” according to Dean Champion, and “these unwritten rules encourage officers not to betray other officers whenever misconduct is discovered or witnessed.”⁴⁰⁾ Due to what is often referred to as the “blue wall of silence,”⁴¹⁾ police officers in the United States have not had to experience the kind of external monitoring that effectively reinforces self-monitoring, evidenced by the infrequent conviction rate of police officers accused of misconduct, unlike civilians who grow to monitor themselves based on their awareness of potential police presence. As Ian Loader notes, “the police’s entitlement and capacity to speak about the world is seldom challenged.”⁴²⁾ As such, a police officer’s claim tends to be treated as fact, for it finds support from the police department and the legitimacy it carries. Efforts to ebb such increasingly independent power are often resisted not by one, but by most officers due to a “pride in the cloth ... ‘police family’ mindset.”⁴³⁾ This therefore presents a classic problem where the police watch over civilians, but have no effective external agency actively watching over the police, which begs the question: *quis custodiet ipsos custodes?*—“who will guard the guardians.”⁴⁴⁾ When an officer is alone with a civilian, that civilian can only hope to challenge false police testimony against him or her in the courtroom if the incident is captured on video, which may ultimately still prove futile.

The fatal beating of forty-one year old Nathaniel Jones in November of 2003 illustrates this point. Close-up video footage clearly displays six police officers repeatedly beating Jones while he was attempting to surrender outside of a Cincinnati, Ohio, fast-food restaurant. Despite what appears to be excessive force, the chief of police, the mayor, and the president of the Cincinnati chapter of The Fraternal Order of Police at the time all defended the conduct of the officers.⁴⁵⁾ Such examples, where misconduct is actually captured on video and police officials remain steadfast in defending their officers’ conduct, demonstrates a strong internal discourse of police accounts as unquestionable truth. The high-profile case of George Floyd in May of 2020, however, may represent a clash of cultures. On the one hand, the fact that one police officer knelt on Floyd’s neck without the other

three police officers intervening, despite Floyd's repeated statements that he was unable to breathe, seemingly shows this police culture of solidarity at work. On the other hand, the swift public reactions and arrest of the officers seemingly reveals a political culture that is no longer willing to simply accept police judgments at face value.

Ultimately, this aspect of policing that posits police officers as experts whose testimony is treated as truth has allowed police officers to operate with two forms of authority: *de jure*, which refers to a police officer's legally endowed powers, and *de facto*, which refers to the actual use of police power. The interaction between civilians and police officers involves the use of police power in both forms, which are in many ways strongly interrelated, for the *de jure* power held by police officers in the courtroom influences the *de facto* power they exercise in the field. If an officer's testimony is presumed true in the courtroom, then the officer can shape his or her account of particular incidents in a manner that leads a court to consider the officer's actions to be in accordance with the law. Consequently, police power in the court defines its power in the field, since one of the strongest legal powers granted to a police officer is the use of discretion, which can thus make a police officer's *de facto* power legal. A police officer's authority is supposed to be an executive function, but as John Kleinig puts it, "discretionary decision making by police might be interpreted as a form of legislative activity."⁴⁶⁾ Police *de facto* authority, then, can actually be rendered *de jure* authority as well, for an officer's judgment normalizes, which enables the officer to make his or her judgments legally correct. Nikolas Rose, drawing on Foucault, also suggests that police officers exercise a power of normalizing judgment.⁴⁷⁾ Rose's analysis reinforces the suggestion that police officers are technical experts sanctioned to determine an individual's criminal capacity and as such, stand as agents of the disciplinary operations in society. Police power has become "the power of legitimate pronouncement," Loader summarizes, adding that it is "a power to diagnose, classify, authorize, and represent both individuals and the world, and to have this power of 'legitimate naming' not just taken seriously, but taken for granted."⁴⁸⁾ Several recent high-profile instances of police officers using lethal force against African American men like George Floyd and the swift public and legal reprisal, however, indicates that this facet of police power, where police judgment is taken as truth, may be on the cusp of a profound transformation.

V. Conclusion

Foucault's study of the modern expressions of power that constitute what he calls a new 'micro-physics' of power,⁴⁹⁾ exemplified by the panopticon described in

Foucault's *Discipline and Punish* and the doctor-patient relationship articulated in *Madness and Civilization*, offers unique insight into the nature of police power vis-à-vis its exercise on the street. As the micro-techniques of power that developed in settings like prisons and hospitals were decentralized from these institutions, they expanded throughout society at large. On the streets, outside of the prison and the asylum, police officers operate like the wardens and doctors Foucault describes, by observing civilians closely to ensure that the panoptic mechanisms remain in place at all levels. The most efficient behavior for street life, just as the most efficient behavior inside the prison, is shaped on the street through discipline. In the case of police power, this comes in the form of actions like arrests, citations, and warnings. This results in large-scale obedience to the law, and an efficient, and largely safer, public life and traffic system. Police officers, as a result of their training and a legal framework that holds their judgment as more credible than that of civilians, become experts in the endeavor to create structured public life. What an officer believes happened in confrontations involving civilians is thus effectively rendered true. In this way, then, police officers also function like wardens and doctors as a result of their exercise of normalizing judgment over civilians.

Applying a perspective based on some of Foucault's insights to policing in the United States can help lead to a better conceptual understanding of how law enforcement functions, but it does not directly address some of the serious criticisms relating to instances of police brutality, excessive force, unwarranted lethal force, and issues of the disparate impact of such abuses along racial lines. Part of the reason for this is that one of Foucault's central tenets in his studies is to suspend or "bracket" normative judgments. Since power is a relation between everyone at every level of society and is thus not state-centered, according to Foucault, "the classical liberal normative contrast between legitimate and illegitimate power is inadequate to the nature of modern power" and as such has to be suspended.⁵⁰ This has led some of his critics, including Charles Taylor, Jürgen Habermas, and Nancy Fraser to contend that Foucault paradoxically stresses the importance of resistance, despite lacking the normative framework needed to justify such resistance.⁵¹ As Habermas notably put it, Foucault fails to answer why we should "muster any resistance at all against this all-pervasive power ... instead of just adapting ourselves to it."⁵² Why then should one apply a Foucaultian analysis if it lacks the normative criteria necessary to animate a reaction to the subject matter under consideration?

While an approach based on the selection of Foucault's insights presented here is not geared toward directly challenging police abuses or toward confronting the frequency of such instances, this does not mean that it lacks a prescriptive quality. Rather than focusing on "why" struggle, a Foucaultian approach as formulated here instead focuses on "what," as in, struggle against what? In the context of law

enforcement in America, police reform is one of the most pressing topics today, especially in the context of the disparate impacts along racial lines. Much of the discussion focuses on making sure to equip police officers with bodycams, racial sensitivity training, diversifying police forces, and implementing new regulations regarding the use of deadly force. While such measures can undoubtedly help minimize the risk of police officers using excessive force or unwarranted lethal force, such measures do not fully address the more fundamental aspect of policing in America that should at the least be questioned and discussed continually: the dynamic between truth and power operating in American legal frameworks, and the way that policing normalizes the self-regulating law-abiding individual in accordance with this dynamic.

As such, questions relating to the specifics of changing police practices in order to prevent abuse, and how to make such changes, is not only beyond the scope of this kind of analysis, but also beside the point. “The work of an intellectual is not to form the political will of others,” according to Foucault, but rather, “it is, through the analyses that he carries out in his own field, to bring assumptions and things taken for granted again into question ... to dispel the familiarity of the accepted.”⁵³⁾ Foucault’s work indicates that the purpose of struggling is for, as Leslie Paul Thiele puts it, the “perpetuation and amelioration of the conditions that make struggle itself possible.”⁵⁴⁾ As such, getting back to the question of Foucault’s lack of normative criteria, a Foucaultian analysis need not focus on struggling against the exercise of police power in America, but rather, the taken-for-granted nature of policing itself in conceptual terms. This means that a Foucaultian analysis as presented here is geared toward not allowing the taken-for-granted nature of policing in the United States to become so entrenched that people cannot even imagine an America without policing as it is instituted now. With law enforcement now seemingly entering a transformative period in the United States, where the effects of ubiquitous smartphone cameras and the rise of social media are beginning to re-shape the police-civilian relationship, and where the death of George Floyd is bringing racial justice issues vis-à-vis policing to the forefront of society, an analysis that considers the nature of police power as a function of the disciplinary society and the effects of its normalizing judgments on civilians therefore seems as timely as ever.

Notes

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- 2) Michel Foucault, “Afterword: The Subject and Power,” in H. Dreyfus & P. Rabinow (eds.)

- Michel Foucault: Beyond Structuralism and Hermeneutics*, (Chicago: Chicago University Press, 1983), p.208.
- 3) Michel Foucault, *Discipline and Punish*, trans. Alan Sheridan (New York: Vintage Books, 1977), p.187.
 - 4) Foucault, *Discipline and Punish*, p.214.
 - 5) Michel Foucault, "Omnes et Singulatim: Towards a Criticism of 'Political Reason,'" in S. McMurrin (ed.) *The Tanner Lectures on Human Values, Vol.II*, (Cambridge: Cambridge University Press, 1981), p.248.
 - 6) Michel Foucault, "Two Lectures," in C. Gordon (ed.) *Power/Knowledge* (New York: Pantheon Books, 1980), p.97.
 - 7) Foucault, *Discipline and Punish*, p.213.
 - 8) This section is revised and edited from "Foucault's Perspective" in Francois de Soete, "To Protect and Serve? A Conceptual Investigation into the Extremes of Police Power" (Master's Thesis, University of British Columbia, 2004), pp.19-23.
 - 9) Foucault, *Discipline and Punish*, p.146.
 - 10) Foucault, *Discipline and Punish*, 145.
 - 11) Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason*, trans. Richard Howard (New York: Vintage Books, 1961), p.276.
 - 12) This section is revised, edited, and updated from "Foucault's Perspective" in Francois de Soete, "To Protect and Serve? A Conceptual Investigation into the Extremes of Police Power" (Master's Thesis, University of British Columbia, 2004), pp.10-16.
 - 13) Foucault, *Discipline and Punish*, p.187.
 - 14) Foucault, *Discipline and Punish*, p.187.
 - 15) Foucault, *Discipline and Punish*, p.187.
 - 16) Christopher Pierce Wilson, *Cop knowledge: Police Power and Cultural Narrative in Twentieth-Century America* (Chicago: University of Chicago Press, 2000), p.96.
 - 17) R. Blecker, "Policing the Police," in D. J. Kenney (ed.) *Police and Policing: Contemporary Issues* (New York: Praeger Publishers, 1989), p.176.
 - 18) Wilson, *Cop Knowledge*, p.95.
 - 19) Pat O'Malley, "Risk and Responsibility," in A. Barry et al. (eds.) *Foucault and Political Reason* (Chicago: University of Chicago Press, 1996), p.187.
 - 20) Wilson, *Cop Knowledge*, p.95.
 - 21) Foucault, *Discipline and Punish*, p.202.
 - 22) Foucault, *Discipline and Punish*, p.200.
 - 23) Wilson, *Cop Knowledge*, p.96.
 - 24) Wilson, *Cop Knowledge*, p.95.
 - 25) Foucault, *Discipline and Punish*, p.173.
 - 26) Foucault, *Discipline and Punish*, p.204.
 - 27) This section is revised, edited, and updated from "Foucault's Perspective" in Francois de Soete, "To Protect and Serve? A Conceptual Investigation into the Extremes of Police Power" (Master's Thesis, University of British Columbia, 2004), pp.23-33.
 - 28) David Garland, "The Limits of the Sovereign State," *British Journal of Criminology*, 36:4 (1996), p.456.

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